

15373. Adulteration and misbranding of butter. U. S. v. 344 Tubs, et al., of Butter. Consent decrees entered ordering product released under bond. (F. & D. Nos. 21918, 21939, 21956. I. S. Nos. 14303-x, 15934-x, 15936-x. S. Nos. C-5466, C-5468, C-5475.)

On or about April 27, May 2, and May 17, 1927, respectively, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,035 tubs of butter, remaining unsold in the original tubs at Detroit, Mich., alleging that the article had been shipped by the Minnesota Creamery & Produce Co., from St. Paul, Minn., in various consignments, on or about April 16, April 23, and May 6, 1927, respectively, and transported from the State of Minnesota into the State of Michigan, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated, in that it was deficient in butterfat.

It was further alleged in the libels that the article was misbranded in violation of section 8 of the act.

On May 3, 17, and 21, 1927, respectively, the Minnesota Creamery & Produce Co., St. Paul, Minn., having appeared as claimant for the property and having consented to the condemnation and forfeiture of the product, judgments were entered ordering that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,950, conditioned in part that it be reworked under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15374. Adulteration of butter. U. S. v. 18 Tubs of Butter. Decree of condemnation and forfeiture. Product ordered released. (F. & D. No. 21955. I. S. No. 16447-x. S. No. E-6114.)

On or about May 26, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about May 14, 1927, alleging that the article had been shipped by Peter Fox & Sons Co., Chicago, Ill., and transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress of March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On June 9, 1927, the Chapin & Adams Co., Boston, Mass., having appeared as claimant for the property, and the product having been reconditioned under the supervision of this department, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15375. Adulteration of oranges. U. S. v. 300 Boxes of Oranges. Default order entered ratifying sale of product. (F. & D. No. 21793. I. S. No. 15301-x. S. No. C-5424.)

On or about March 16, 1927, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 boxes of oranges, at Jackson, Miss., alleging that the article had been shipped by J. E. Montgomery, Inc., Palmetto, Fla., on or about March 8, 1927, and transported from the State of Florida into the State of Mississippi, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that a substance, an inedible product, had been substituted wholly or in part for the said article, and in that it consisted in whole or in part of a decomposed vegetable substance.

On May 6, 1927, no claimant having appeared for the property, and the United States marshal having been forced to sell the product because of its perishable nature, judgment of the court was entered ratifying said sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15376. Adulteration of oranges and grapefruit. U. S. v. 1 Car of Oranges and Grapefruit. Default order entered ratifying sale of products. (F. & D. No. 21853. I. S. Nos. 3864-x, 3865-x. S. No. C-5446.)

On March 25, 1927, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 car of oranges and grapefruit, at Jackson, Miss., alleging that the articles had been shipped by F. N. Hicks, from Thonotosassa, Fla., on or about March 19, 1927, and transported from the State of Florida into the State of Mississippi, and charging adulteration in violation of the food and drugs act.

Examination of the articles by this department showed that they consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the said oranges and grapefruit were adulterated, in that they consisted in whole or in part of decomposed vegetable substances.

On May 6, 1927, no claimant having appeared for the property, and the United States marshal having been forced to sell the products because of the perishable nature, judgment of the court was entered ratifying said sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15377. Adulteration of canned cherries. U. S. v. 19 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22070. I. S. No. 16856-x. S. No. 108.)

On September 26, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 cases of canned cherries, remaining in the original unbroken packages at Boston, Mass., consigned about August 30, 1927, alleging that the article had been shipped by the Geneseo Jam Kitchen, Inc., of Geneseo, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 13, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture*

15378. Adulteration of molasses feed. U. S. v. Arcady Farms Milling Co. Plea of guilty. Fine, \$50. (F. & D. No. 21587. I. S. Nos. 8438-9392-x.)

On July 19, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Arcady Farms Milling Co., a corporation, North Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about May 30, 1926, from the State of Missouri into the State of Kansas, and on or about June 23, 1926, from the State of Missouri into the State of Iowa quantities of molasses feed which was adulterated. The article was labeled in part: "Special 60% Molasses Feed Manufactured By Arcady Farms Milling Company Chicago, Ill., No. Kansas City, Mo., East St. Louis, Ill. Guaranteed Analysis Protein 09.0 Fat 04.0. Fibre not over 09.0."

It was alleged in the information that the article was adulterated, in a substance, to wit, a feed containing less than 9 per cent of protein, than 4 per cent of fat, and more than 9 per cent of fiber, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article.

On September 7, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture*